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EXAMINER

COSIMANO, EDWARD R

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/708,883

Applicant(s)

BROWN ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/7/00 & 12/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/10/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's claim for the benefit of an earlier filing data under 35 U.S.C. § 119(e) and 35 U.S.C. § 120 is acknowledged.
2. The proposed drawing correction filed 02 December 2004 has been approved.
3. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the application data in the paragraphs located:

(a) at page 18, lines 16-20, "The different features printed on label 400 may be printed in special ink to further increase security. The paper on which label 400 is printed may itself be made of or contain special features to reduce fraudulent use. Further details related to the use of security features are discussed in U.S. Application No. 09/611,375 filed July 7, 2000, the entire disclosure of which is herein incorporated by reference for all purposes.";

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

5. Claims 3-5, 23-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.1 In regard to claims 3-5, 23-25 & 43-45, although one of ordinary skill at the time of the invention would know how to accomplish each of the individual recited actions/functions from the language of these claims, since, there is no clear and definite interconnection between one or more of the recited limitations of these claims, one of ordinary skill could not determine from the language of these claims whether or not they are in fact making and/or using the

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claimed invention. In this regard it is noted that from the language of these claims it is vague, indefinite and unclear:

A) in regard to claims 3-5, 23-25, 43-45 and how the “information identifying the medium on which the first indicium is to be printed” may be validated, since the invention as recited in these claims fails to set forth either:

(1) the criteria that an identified “medium on which the first indicium is to be printed” that would be used by the claimed invention as an indication that an identified media could be in fact validated; or

(2) any one or more different types of identifiable media that would be used by the claimed invention as an indication that an identified media would be considered as acceptable as the “medium on which the first indicium is to be printed”, so that the identified medium may in fact be validated.

B) in regard to claims 4-5, 24-25 & 44-45, and how a “serial number” may be used to validate the “medium on which the first indicium is to be printed”, since the invention as recited in these claims fails to set forth, indicate, obtain or provide a listing of valid “serial numbers” that would be used by the claimed invention as an indication that an identified media would be an acceptable “medium on which the first indicium is to be printed” so that the identified serial number could in fact be validated.

5.2 For the above reason(s), applicant has failed to particularly point out what is regarded as the invention.

6. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

6.1 Claims 57-59 are rejected under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter.

6.1.1 The instant claims recite a system/device/manufacture, (claims 57-59), which has a disclosed practical application in the technological or useful arts, and which does not merely define either a computer program, a data structure, non-functional descriptive material, (i.e.

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mere data) or a natural phenomenon. Hence, the instant claims merely define device/manufacture that contains a data structure comprising series of steps or acts or functions or operations that as claimed could be but are not necessarily to be performed by a computer.

6.1.2 It is further noted that applicant has not recited a specific machine since the steps or acts or functions or operations recited in the claim are merely to illustrate the steps or acts or functions or operations of the instant invention since these steps or acts or functions or operations as claimed are not in fact implemented by a processor/computer. Hence, applicant envisions the invention as recited in claims 57-59 as a disembodied storage device, i.e. memory, that stores a computer program as a non-functional data structure. Such a disembodied storage device is not a specific machine because:

A) it is not associated with a computer in such a way as to cause the computer to operate in a specific manner, (note In re Beauregard 35 USPQ2d 1383 (CAFC 1995) and the associated claims of U.S. Patent 5,710,578); and

B) a memory device alone can not perform the functions recited within the claims.

Therefore, the recited disembodied storage device, which itself can not perform the functions recited within the claims as the invention, is inoperative and lacks utility for the purpose of the invention.

6.1.3 In view of the above, the invention recited in claims 57-59, merely describes an abstract idea of a disembodied storage device, i.e. memory, that stores a computer program as a non-functional data structure, since a disembodied storage device by itself can not produce a concrete and tangible result by performing the functions recited within the claims as the invention (State Street Bank & Trust Co. v. Signature Financial Group Inc. 47 USPQ2d 1596 (CAFC 1998)). Hence, claims 57-59 do not have a claimed practical application, since the disembodied storage device is inoperative and therefore lacks utility for the purpose of the invention.

6.1.4 Nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the

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descriptive material will not distinguish the invention from the prior art in terms of patentability). Common situations involving nonfunctional descriptive material are:

- a computer-readable storage medium that differs from the prior art solely with respect to nonfunctional descriptive material, such as music or a literary work, encoded on the medium;

- a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer), or

- a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention.

6.1.5 Hence, claims 57-59 directed to non-statutory subject matter.

6.2 Claims 3-5, 23-25 & 43-45 are rejected under 35 U.S.C. § 101 because the invention as claimed are inoperative and therefore are directed to non-statutory subject matter.

6.2.1 As set forth by the Court in:

A) In re Musgrave 167 USPQ 280 at 289-290 (CCPA 1970), “We cannot agree with the Board that these claims (all the steps of which can be carried out by the disclosed apparatus) are directed to non-statutory processes merely because some or all of the steps therein can also be carried out in or with the aid of the human mind or because it may be necessary for one performing the process to think. All that is necessary, in our view, to make a sequence of operational steps a statutory “process” within 35 U.S.C. 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of “useful arts.” Cons. Art. 1, sec. 8.”, {emphasis added}; and

B) In re Sarkar 100 USPQ 132 @ 136-137 (CCPA 1978), echoing the Board of Appeals stated in regard to claim 14 “14. A method of locating an obstruction in an open channel to affect flow in a predetermined manner comprising:

a) obtaining the dimensions of said obstruction which affect the parameters of flow;

b) constructing a mathematical model of at least that portion of the open channel in which said obstruction is to be located in accordance with the method of claim 1 using those dimensions obtained in step (a) above;

c) adjusting the location of said obstruction within said mathematical model until the desired effect upon flow is obtained in said model; and thereafter

d) constructing said obstruction within the actual open channel at the specified adjusted location indicated by the mathematical model.”;

and “Concerning claims 14-39 and the significance of “post-solution activity,” like building a bridge or dam, the board concluded: While it is true that the final step in each of these claims makes reference to the mathematical result achieved by performing the prior recited steps, we consider the connection to be so tenuous that the several steps recited in each claim when considered as a whole do not constitute a proper method under the statute.”, {emphasis added}.

6.2.2 Further, it is noted in regard to claims 14-39 of Sarkar, although step (d) of claim 14 of Sarkar references the result of step (c) of claim 14 of Sarkar it is clear from the language of step (c) of claim 14 of Sarkar that multiple adjustments to the location of the obstruction are required to be made until a location with the desired effect has been determined. Hence, the reference to constructing the obstruction at the “specified adjusted location” in step (d) of claim 14 of Sarkar is vague, indefinite and unclear in regard to which one of the possible multiple adjusted locations of the obstruction that were used during step (c) of claim 14 of Sarkar would be used when constructing the obstruction as required by step (d) of Sarkar. Therefore, without a clear connection between step (d) of Sarkar and the remaining steps of claim 14 of Sarkar, the Board of Appeals and the Court held that these claims were not a process within the meaning of process as used in 35 U.S.C. § 101 and hence were directed to non statutory subject matter.

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6.2.3 As can be seen from claims 3-5 & 23-25, these claims are directed to a series of devices for performing various functions or steps/actions/functions, which as set forth above in regard to the rejection of claims 3-5 & 23-25 under 35 U.S.C. § 112 2<sup>nd</sup> paragraph, are not clearly and definitely interconnected to one another and therefore do not provide an operative useful machine/system or method/process with in the meaning of machine or process as used in 35 U.S.C. § 101.

6.2.4 Further on regard to the computer useable/readable medium of claims 43-45, the recited limitations are not clearly and definitely interconnected to one another and a device to execute the program code/instructions on the media so as to provide a useful operative and useful manufacture with in the meaning of machine or process as used in 35 U.S.C. § 101.

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7.1 Claims 1-5, 17-19, 21-25, 37-39, 41-45 & 57-59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Gravell et al (WO 98/57303) or Lee et al (EP 0927960) in view of Brasington et al (5,923,406) and Whitehouse (6,005,945).

7.1.1 In regard to claims 1-5, 17-19, 21-25, 37-39, 41-45 & 57-59, either Gravell et al ('303) or Lee et al ('960), in the environment of computerized postage metering systems that under the control of code/instructions which when executed by the systems of either Gravell et al



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('303) or Lee et al ('960) implement a client/server based postage metering system. The systems of either Gravell et al ('303) or Lee et al ('960) disclose a secured metering device (SMD) located at a server that has been licensed by the Postal Authority to store and dispenses postage and is used by a postage vendor to dispense postage to customers of the vendor. In the systems of either Gravell et al ('303) or Lee et al ('960), when one or more customers at one or more remotely located client systems or the customer's general purpose PCs, desires to print postage on an item of mail using the user's associated general purpose printer. The customer or user at the PC would create a request for postage from the SMD at the sever. Where the request for postage would include at least an identification of the customer, the originating location, the postage value, class of service, destination zip code, piece count or transaction number, an indication of the method of payment, as well as any other information required to determine the correct postage for an item of mail. Next, the generated request for postage is transmitted to remotely located SMD via a suitable communications network, where SMD uses the transmitted information to:

A) validate the request and whether there are sufficient funds for the requested postage value to be printed;

B) account for the requested postage in a single general account or an individual account for the user, by decrementing the descending register of the SMD and incrementing the ascending register of the SMD by the amount of the requested postage; and

C) to generate a print file of a valid postage indicia that includes encoded information as evidence of postage payment.

The print file is then transmitted back to the identified user at the PC via a suitable communications network where the postage is printed on item of mail by user using the user's printer. The above process is repeated for each user at a PC that is requesting to print postage on an item of mail.

7.1.2 Neither Gravell et al ('303) nor Lee et al ('960) disclose the use of one SMD for multiple customers or that the communications network is web based or the internet. However in the environment of postage metering systems Brasington et al ('406) discloses a system

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similar to those of either Gravell et al ('303) or Lee et al ('960). To this end in the environment of computerized postage metering systems Brasington et al ('406) discloses that under the control of code/instructions which when executed by the system of Brasington et al ('406) implement a client/server based postage metering system. The system of Brasington et al ('406) disclose one or more secured metering devices (SMD) which may be remotely located at a server system where each SMD has been licensed by the Postal Authority to store and dispenses postage. Then the vendor may use the SMD to dispense postage to individual customers of the vendor through one or more kiosks. In the system of Brasington et al ('406), when a customer at a remotely located kiosks, or client systems, desires to print postage on an item of mail, the customer or user would submit appropriate payment information as well as postage determining information. Once the payment information has been validated, a request for postage created and then sent to the from the SMD at the sever. Where the request for postage would include at least an identification of the customer, the originating location, the postage value, class of service, destination zip code, piece count or transaction number, an indication of the method of payment, as well as any other information required to determine the correct postage for an item of mail. If the SMD validates the request, the a print file created and transmitted back to the identified user at the kiosk via a suitable communications network. The customer at the kiosk can then print the postage on item of mail by using the kiosk's printer. The above process would be repeated for each user at a kiosk that is requesting to print postage on an item of mail.

7.1.3 Since as taught by Brasington et al ('406) a vendor may use a single licensed SMD to sell postage to multiple customer's, it would have been obvious to one of ordinary skill at the time of the invention that the system of either Gravell et al ('303) or Lee et al ('960) which may use a single general account, could be modified to implemented so that a number of user may purchase postage from a single vendor using a single licensed SMD as taught by Brasington et al ('406).

7.1.4 It is still noted that the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) still dose not use a web based communications system, however, Whitehouse ('945) discloses a system similar to those of

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either Gravell et al ('303) or Lee et al ('960). To this end in the environment of computerized postage metering systems Whitehouse ('945) discloses that under the control of code/instructions which when executed by the system of Whitehouse ('945) implement a client/server based postage metering system. The system of Whitehouse ('945) discloses a secured metering device (SMD) which is remotely located at a server system where each SMD has been licensed by the Postal Authority to store and dispenses postage. In the system of Whitehouse ('945), when a customer at a remotely located PC, or client system, desires to print postage on an item of mail, the customer or user would submit postage determining information in order to create a request for postage. The created request is then sent to the from the SMD at the sever. Where the request for postage would include at least an identification of the customer, the originating location, the postage value, class of service, destination zip code, piece count or transaction number, an indication of the method of payment, as well as any other information required to determine the correct postage for an item of mail. If the SMD validates the request, the a print file created and transmitted back to the identified user at the PC via a suitable communications network, which may be the internet and hence web based. The customer at the PC can then print the postage on item of mail by using a printer.

7.1.5 Since the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) require the use of a communications link and the postage metering system of Whitehouse ('945) uses the internet as this communications link, it would have been obvious to one of ordinary skill at the time of the invention that the system of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) could be modified to use the web based communications link or the internet as suggested by Whitehouse ('945).

7.2 Claims 6, 26 & 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Gravell et al (WO 98/57303) or Lee et al (EP 0927960) in view of Brasington et al (5,923,406) and Whitehouse (6,005,945) as applied above to claims 1-5, 17-19, 21-25, 37-39, 41-45 & 57-59 and further in view of alternative forms of payment.

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7.2.1 In regard to claims 6, 26 & 46 and the use of credit card information, since the systems of Brasington et al ('406) requires that the postage to be applied by the user be paid for by the user in advance of the postage being printed using a suitable form of payment, for example, a credit/debit card or cash, it would have been obvious to one of ordinary skill at the time of the invention that the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945), it would have been obvious to one of ordinary skill at the time of the invention that the system of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) could be modified to accept any suitable payment method.

7.3 Claims 7-16, 20, 27-36, 40, 47-56 & 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Gravell et al (WO 98/57303) or Lee et al (EP 0927960) in view of Brasington et al (5,923,406) and Whitehouse (6,005,945) as applied above to claims 1-6, 17-19, 21-26, 37-39, 41-46 & 57-59 and further in view of In re Dulberg, 129 U.S.P.Q. 348 @ 349 (CCPA, 1965) or In re Harza, 124 U.S.P.Q. 378 @ 380 (CCPA, 1960).

7.3.1 In regard to:

A) the host system comprising multiple SMD servers of claims 7, 20, 27, 40, 47 & 60;

B) the list of available SMD servers of claims 8, 28 & 48; and

C) the selection of an available server of claims 8, 9, 15, 20, 28, 29, 35, 40, 48, 49, 55 & 60;

since the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) teach that the SMD may be one device that accounts for the postage dispensed from a single account or from multiple accounts, that is one account for each customer, it would have been obvious to one of ordinary skill at the time of the invention that the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) could be modified to use multiple SMD servers, because whether one or a plurality of SMD servers are used does not change the function provided by each of the individual SMD servers to a particular customer, for as the Court has stated it is not invention to merely make duplicate

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parts separable without unexpected results if access to something is desirable, (see In re Dulberg, 129 U.S.P.Q. 348 @ 349 (CCPA, 1965) and In re Harza, 124 U.S.P.Q. 378 @ 380 (CCPA, 1960)).

7.3.2 Further in this regard, the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) would require a list of available SMD servers in order for the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) to provide postage to any particular customer, where the particular SMD server used to supply postage to a particular customer would be selected based on the availability of any particular SMD server to provide postage to the requesting customer.

7.3.3 In regard to using cryptology when generating a postage indicia at the request of a customer of claims 10, 30 & 50, it is noted that the indicia generated by the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) include the use of encrypted validation information, that is a digital signature, and hence would include the use of a cryptographic module to perform this function.

7.3.4 In regard to recharging/refunding of funds to a SMD server of claims 11, 31 & 51, it is noted that the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) include the use of refundable SMD devices, that may receive additional funding when the stored funds are low, hence it would have been obvious to one of ordinary skill at the time of the invention that the systems of the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) would include the function of recharging/refunding an SMD server when there are low or insufficient funds to accomplish the task or generating postage indicia for a requesting customer.

7.3.5 In regard to accounting functions of claims 12-14, 20, 32-34, 40, 52-54 & 60, it is noted that the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) include the function of accounting for the postage dispensed at the request of the customer before generating the

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postage indicia. Where, each account stored in the SMD as would be understood by one of ordinary skill at the time of the invention each customer account would include at least:

A) a descending register that stores the amount of funds available for printing at the request of the customer, and the value stored in this register is decreased by the amount of postage dispensed during each request of the customer;

B) a ascending register that stores the total amount of funds that have been dispensed at the request of the customer, and the value stored in this register is increased by the amount of postage dispensed during each request of the customer.

Hence, SMD servers/devices, of the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) would include the function of properly account for the postage dispensed at the request of any customer.

7.3.6 In regard to using the internet as the communications link between the customer and the SMD servers with the associated use of web browser of claims 16, 36 & 56, it is noted that the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) require the use of a communications link between the customer's PC and the SMD servers at the vendor, hence it would have been obvious to one of ordinary skill at the time of the invention that the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) could include the use of any suitable communications link that would provide the communications required by the postage dispensing functions/operations of the postage metering systems of either Gravell et al ('303) or Lee et al ('960) as modified in view of Brasington et al ('406) and Whitehouse ('945) without applicant providing evidence of expected results from using a particular type of communications link.

## 8. Response to applicant's arguments.

8.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

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8.2 As per the objection to the disclosure, since applicant failed to address this defect by correct the status of the reference application, it has been maintained and applicant's arguments are non persuasive.

8.3 As per the 35 U.S.C. § 101 rejection, since some of the references to the "code" are not connected to "causing a computer to operate, this rejection has been maintained and applicant's arguments are non persuasive.

9. The shorten statutory period of response is set to expire 3/2 (three / two) months from the mailing date of this Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783 (after 13 April 2005 (571) 272-6802). The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702 (after 13 April 2005 (571) 272-6812). Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

10.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

10.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

10.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

03/12/05



Edward R. Cosimano  
Primary Examiner A.U. 3629